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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,850	11/13/2000	Raj Bridgelall	1000	8597

7590

07/28/2003

Kirschstein Ottinger Israel & Schiffmiller P C  
489 Fifth Avenue  
New York, NY 10017-6105

EXAMINER
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ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/711,850

Applicant(s)

BRIDGELALL, RAJ

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20, 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 5/23/03.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al, US Patent No. 5,640,002, in view of the applicant admitted prior art.

Ruppert et al disclose a portable RF ID tag and bar code reader comprising: a support 298 having a predetermined form factor; an RF reader 314 supported by the support, and operative for interrogating an RF resonant element 315 associated with a target by transmitting RF energy to the resonant element, and for reading RF data relating to the target from the interrogated element by detecting RF energy transmitted by the resonant element; and a magnetic stripe reader (magnetic head) (col. 17, line 13) supported by the support, and operative for sensing magnetically encoded data in a stripe card and reading the encoded data (see figures 16, 19, 10; col. 17, line 8+, col. 21, line 63 col. 22), wherein the support includes a printed circuit board on which electrical circuit component for the RF and stripe readers are mounted, the magnetic stripe reader includes sensor, wherein the RF reader and magnetic reader are supported within the support (see figure 16, 19; col. 17, line 8+), and wherein the RF reader has a receiving antenna and a transmitting antenna for sending and receiving RF data (see figure 44) and the RF and

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magnetic readers generate digital signals and share a common central processing unit and common digitizer (see figures 16, 19).

Ruppert et al fails to disclose or fairly suggests that the support has a parallelepiped shape measuring 1-1/2 inches in length, 1 inch in width, and 3/4 of an inch in height.

The applicant discloses that having a support that has a parallelepiped shape measuring 1-1/2 inches in length, 1 inch in width, and 3/4 of an inch in height is considered a standard form factor and well known in the art. (see page 2, lines 1-3).

In view of the applicant disclosure, it would have obvious for a person of ordinary skill in the art at the time the invention was made to employ the well known support structure in the system of Ruppert et al in order to facilitate system construction. Such modification would make manufacturing easier by using standard parts that could be purchased of the shelf and would also provide greater flexibility in maintaining the system. Therefore, it would have been an obvious extension as taught by Ruppert et al.

#### ***Response to Arguments***

4. Applicant's arguments filed 5/23/03 have been fully considered but they are not persuasive. (see examiner remarks).

#### **REMARKS:**

In response to the applicant's argument that figure 19 of Ruppert discloses a discrete RF reader 314 and a discrete stripe reader 512 that both readers do not share a common digitizer, the examiner respectfully disagrees. Figure 19 is a block diagram showing the electronics of figure 16 (see col. 4, lines 24-25). The RF and the stripe readers share a common digitizer (see col. 17, line 8+). The applicant argument is not persuasive. Refer to the rejection above.

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*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

DS  
July 25, 2003

A handwritten signature in black ink, appearing to read "Daniel St. Cyr", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.